

AMENDED IN ASSEMBLY JANUARY 7, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1111

Introduced by Assembly Member DeSaulnier
(Coauthor: Assembly Member Lieber)
(Coauthor: Senator Padilla)

February 23, 2007

An act to amend Section 798.25 of the Civil Code, relating to mobilehomes.

LEGISLATIVE COUNSEL'S DIGEST

AB 1111, as amended, DeSaulnier. Mobilehome parks: rules and regulations.

The Mobilehome Residency Law provides that when the management of a mobilehome park proposes an amendment to the park's rules and regulations, the management is required to meet and consult with the homeowners in the park, their representatives, or both, after providing written notice to all of the homeowners 10 days or more before the meeting. Under that law, following the meeting and consultation with homeowners, the amendment to the park's rules and regulations may be implemented as to a homeowner with the consent of that homeowner, or without the homeowner's consent upon written notice of not less than 6 months, except as specified.

This bill would prohibit the management, if an existing park rule or regulation limits residency or tenancy to individuals 55 years of age and older, from amending that rule or regulation to permit residency or tenancy regardless of age unless that amendment is approved by a majority of residents of the park, as specified. The bill would also permit a local public agency with authority over the jurisdiction where the park

is located to prohibit the management from amending an existing park rule or regulation that limits residency or tenancy to individuals 55 years of age and older, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 798.25 of the Civil Code is amended to
2 read:

3 798.25. (a) Except as provided in subdivision (d), when the
4 management proposes an amendment to the park's rules and
5 regulations, the management shall meet and consult with the
6 homeowners in the park, their representatives, or both, after written
7 notice has been given to all the homeowners in the park 10 days
8 or more before the meeting. The notice shall set forth the proposed
9 amendment to the park's rules and regulations and shall state the
10 date, time, and location of the meeting.

11 (b) Except as provided in subdivision (d), following the meeting
12 and consultation with the homeowners, the noticed amendment to
13 the park's rules and regulations may be implemented, as to any
14 homeowner, with the consent of that homeowner, or without the
15 homeowner's consent upon written notice of not less than six
16 months, except for regulations applicable to recreational facilities
17 that may be amended without homeowner consent upon written
18 notice of not less than 60 days.

19 (c) Written notice to a homeowner whose tenancy commences
20 within the required period of notice of a proposed amendment to
21 the park's rules and regulations under subdivision (b) or (d) shall
22 constitute compliance with this section where the written notice
23 is given before the inception of the tenancy.

24 (d) When the management proposes an amendment to the park's
25 rules and regulations mandated by a change in the law, including,
26 but not limited to, a change in a statute, ordinance, or governmental
27 regulation, the management may implement the amendment to the
28 park's rules and regulations, as to any homeowner, with the consent
29 of that homeowner or without the homeowner's consent upon
30 written notice of not less than 60 days. For purposes of this
31 subdivision, the management shall specify in the notice the citation
32 to the statute, ordinance, or regulation, including the section

1 number, that necessitates the proposed amendment to the park's
2 rules and regulations.

3 (e) An amendment to the park's rules and regulations that creates
4 a new fee payable by the homeowner and that has not been
5 expressly agreed upon by the homeowner and management in the
6 written rental agreement or lease, shall be void and unenforceable.

7 (f) If an existing park rule or regulation limits residency or
8 tenancy to individuals 55 years of age and older, as authorized by
9 federal law and regulations implementing that law, management
10 shall not amend that rule and regulation to permit residency or
11 tenancy regardless of age unless that amendment is approved by
12 a majority of residents of the park *in a legally nonbinding advisory*
13 *vote*.

14 (g) A local public agency with authority over the jurisdiction
15 where the park is located may, by ordinance, prohibit the
16 management from amending an existing park rule or regulation
17 that limits residency or tenancy to individuals 55 years of age and
18 older.

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